

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P (NPD) No.2898/2010

Union of India represented by
Superintendent,
RMS "M" Division,
Chennai – 600 009

... Petitioner

v.

1.A. Thiurmalai
2.Mrs.R. Shakila
3.Mrs.Sathyabama
4.The Tahsildar,
Saidapet,
Chennai.

..... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the Award dated 27.06.2008 made in Lok Adalat Case No.719 of 2008 on the file of the Lok Adalat, confirming the compromise made in A.S.No.376 of 2005 and cross appeal No.311/2006 on the file of Fast Track Court III Chennai against the judgment and decree in O.S.No.7659 of 2000 on the file of III Assistant City Civil Judge, Chennai dated 27.6.2008.

For Petitioner : Mr.S. Meenakumari

For R.1 & R.2 : Mr.N. Ramesh
For R.3 : Ms.G. Sumitha
For R.4 : Mr.J. Jayarammaraj
Govt. Advocate (CS)

ORDER

Challenging the Award passed in Lok Adalat Case No.719 of 2008 on the file of the Lok Adalat in A.S.No.376 of 2005 and the Cross appeal No.311/2006 on the file of Fast Track Court III Chennai, against the judgment and decree passed in O.S.No.7659 of 2000 on the file of III Assistant City Civil Judge, Chennai dated 27.6.2008, the 2nd defendant Union of India has filed the above Civil Revision Petition.

2. The respondents 1 and 2 filed a suit in O.S No.7659 of 2000 for permanent injunction restraining the third defendant from receiving any benefits, payable by the first defendant, due to the death of one M.V. Kuppan and also for Mandatory Injunction directing the first defendant to pay all the terminal benefits, payable due to the death of the said M.V. Kuppan. After contest, the trial Court dismissed the suit. Aggrieved over the same, the plaintiffs filed an appeal in A.S.No.376 of 2005 and the third defendant filed a Cross Appeal in Cross Appeal No.311 of 2006.

3. During the pendency of the appeal and the cross appeal, the matter was referred to Lok Adalat, for exploring the possibility of settlement. Before the Lok Adalat, the parties viz., the plaintiffs and the third defendant settled the dispute and entered into a compromise dated 27.06.2008. The terms of the Compromise reads as follows:

" TERMS AND CONDITIONS OF COMPROMISE "

1. All the terminal benefits of deceased M.V. Kuppan shall be shared between Mrs.S. Satyabama and A. Thirumalai will have 60% and A. Thirumalai will have 40%.
2. All other benefits, such as leave salary, group Insurance, D.C.R.G (Death cum Retirement Gratuity), Provident Fund, Pension benefits and all other benefits, accruing to the credit of the deceased M.V> Kuppan, shall also be shared in the ratio of 60% and 40% respectively.
3. The amounts payable by Union of India, towards the above benefits, shall be apportioned into two parts of 60% and 40% and 60% of the amount shall be paid to Mrs.S. Satyabama and 40% should be paid to A. Thirumalai by means of two different cheques.
4. Future Pension payable by Union of India shall

also be apportioned in the ratio of 60% and 40% respectively and 60% of the pension amount should be paid to Mrs.Satyabama and 40% should be paid to A. Thirumalai by means of two separate Cheques.

5. The second Appellant Mrs.R. Shakila gives her consent for the above stated compromise.

After the demise of Mrs.S. Satyabama and A. Thirumalai, the Survivor shall be entitled to the full pension amount i.e, in the event of the demise of either of the parties, the Survivor Mrs. Satyabama and A. Thirumalai respectively shall be entitled to claim the whole of the monthly pension amount, accruing to the credit of the deceased M.V. Kuppan.

Having mutually agreed, the parties herein, have entered into this Memo of Compromise.

4. In view of the compromise entered into between the plaintiffs and the third defendant, an Award was passed by the Lok Adalat on 27.06.2008. Further, a direction was also given by Lok Adalat to the second defendant viz., Union of India, represented by Superintendent, R.M.S Division to disburse the terminal benefits to the plaintiffs and the third defendant as per the Memo of Compromise. Challenging this Award, the second defendant, viz., Union of India, has filed the above Civil Revision Petition.

5. It is the case of the revision petitioner/second defendant that as per the Pension Rules, only the nominee is entitled to receive the pensionary benefits and not others.

6. However, the learned counsel appearing for the respondents submitted that as per Rule 54(7) of the CCS (Pension Rules), where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

7. When the provision of CCS (Pension Rules) are clear that the widows can share the pension of the deceased person, the stand taken by the revision petitioner, cannot be accepted. The learned counsel appearing for the respondents further submitted that the plaintiffs and the third defendant moved Central Administrative Tribunal and the Central Administrative Tribunal also directed the Union of India to disburse the pensionary benefits to both the widows in equal shares.

8. It is also brought to the notice of this court that the Union of India had filed Review Petition before the Central Administrative

Tribunal, which was also dismissed by the Tribunal on 9.2.2015 in Review Application No.2 of 2015 in Original Application No.1328 of 2014.

9. In spite of obtaining orders in their favour, the widows are not in a position to get the fruits of the decree passed in Lok Adalat. Since the stand taken by the revision petitioner is not supported by any Rules, the revision petitioner/Union of India is bound by the Award passed by the Lok Adalat. Hence I do not find any reason to interfere the order passed by the Lok Adalat and the Civil Revision Petition is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected MP is closed.

18-08-2016

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Index:no
website:yes
To

1. The High Court Legal Services, Authority,
High Court, Chennai
2. The Fast Track Court III Chennai
3. The III Assistant City Civil Court,, Chennai

M. DURAISWAMY,J.,

CRP(NPD)No.2898 of 2010

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